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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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COOLEY GODWARD LLP ATTN: PATENT GROUP 11951 FREEDOM DRIVE, SUITE 1700 ONE FREEDOM SQUARE- RESTON TOWN CENTER RESTON, VA 20190-5061			EXAMINER PHILLIPS, HASSAN A	
			ART UNIT	PAPER NUMBER
			2151	

DATE MAILED: 01/03/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/942,834

Applicant(s)

GORTHY ET AL.

Examiner

Hassan Phillips

Art Unit

2151

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 October 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,2,5-12,16,21-25 and 27-29 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,2,5-12,16,21-25 and 27-29 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

1. This action is in response to communications filed October 12, 2005.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 6, 11, and 24, are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

4. Claims 6 and 24 recite the limitation "other routers" in the last line of the claim. There is insufficient antecedent basis for this limitation in the claim.

5. Claim 11 recites the limitation "the router" in the fourth line of the claim. There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 101

6. With regards to amendments made to claim 26, Examiner has withdrawn the rejection of claim 26 under 35 U.S.C. 101.

7. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

8. Claim 24 is rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. In the second line of the claim, a "storage medium" alone, could comprise non-tangible material. This prevents the claimed invention from being a "new and useful process, machine, manufacture, or composition of matter". Examiner recommends Applicant amend the second line of the claim to read "a computer readable storage medium".

Response to Arguments

9. Applicant's arguments, see pages 9-12, filed October 12, 2005, with respect to the rejection(s) of claim(s) 1-2, 5-12, 16, 21-25, and 27-29 under 35 U.S.C. 103 have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of McGuire, U.S. Patent 6,816,897 and Zavalkovsky et al. (hereinafter Zavalkovsky), U.S. Patent 6,959,332.

Claim Rejections - 35 USC § 102

10. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent

Art Unit: 2151

granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

11. Claim 21 is rejected under 35 U.S.C. 102(e) as being clearly anticipated by McGuire.

12. In considering claim 21, McGuire teaches a method for interfacing with a network device, the method comprising: receiving a command in a first format, wherein the command is directed to the network device, (col. 6, lines 36-57); determining a device characteristic for the network device so as to enable a configuration schema (36n) that corresponds with the network device to be identified from among a collection of configuration schemas (36a-36n) that includes configuration schemas that are associated with other network devices, wherein the characteristic is indicative of one of a manufacturer identity, model identity, and OS version, (col. 6, lines 16-35); accessing the configuration schema corresponding to the determined device characteristic, (col. 6, lines 16-57); translating the received command from a first format to a second format using the accessed configuration schema, (col. 6, lines 36-57); and providing the command in the second format to the network device, (col. 6, lines 36-57).

Claim Rejections - 35 USC § 103

13. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

14. Claims 1, 5, 22, 23, 28, 29, are rejected under 35 U.S.C. 103(a) as being unpatentable over McGuire in view of Little et al. (hereinafter Little), U.S. Patent Pub. No. 2003/0048287 (see Applicants IDS).

15. In considering claims 1, 28, and 29, McGuire teaches a method and system for configuring a router, the method comprising: receiving a configuration command for the router, (col. 6, lines 36-57); determining a characteristic for the router so as to enable a configuration schema (36n) that is associated with the router to be identified from among a collection of configuration schemas (36a-36n) that includes configuration schemas that are associated with other routers, wherein the characteristic is indicative of one of a manufacturer identity, model identity, and OS version, (col. 6, lines 16-35); accessing the configuration schema that is associated with the router, (col. 6, lines 16-57); translating the configuration command to a command based upon the configuration schema, (col. 6, lines 36-57); and providing the configuration command to the router, (col. 6, lines 36-57).

Although the teachings of McGuire show substantial features of the claimed invention they fail to expressly disclose: the configuration command being XML-based, and translating the XML-based command to a CLI-based configuration command.

Nevertheless, in a similar field of endeavor, Little teaches a command line interface abstraction engine in which XML-based commands are translated to CLI-based commands for an embedded system, (page 1, paragraph 8), by means of a DTD-schema (page 4, paragraphs 63-65).

Thus, given the teachings of Little, it would have been obvious to a person of ordinary skill in the art to modify the teachings of McGuire with Little to show translating XML-based configuration commands to CLI-based configuration commands. This would have advantageously provided a generalized user interface to CLI-based routers that were known in the art to be difficult to manage and maintain, (Little, page 1, paragraph 7).

16. In considering claim 5, McGuire provides a means for providing the CLI-based command to a configuration storage module associated with the router, (col. 6, lines 36-57).

17. In considering claim 22, although the teachings of McGuire show substantial features of the claimed invention they fail to expressly disclose: the first format comprising an XML-based format.

Nevertheless, in a similar field of endeavor, Little teaches a command line interface abstraction engine in which XML-based commands are translated to CLI-based commands for an embedded system, (page 1, paragraph 8), by means of a DTD-schema (page 4, paragraphs 63-65).

Thus, given the teachings of Little, it would have been obvious to a person of ordinary skill in the art to modify the teachings of McGuire with Little to show the first format comprising an XML-based format. This would have advantageously provided a generalized user interface to CLI-based routers that were known in the art to be difficult to manage and maintain, (Little, page 1, paragraph 7).

18. In considering claim 23, Little teaches the second format comprising a CLI-based format, (page 1, paragraph 8). One of ordinary skill in the art would modify McGuire with Little for the reasons indicated in considering claim 22.

19. Claim 2, is rejected under 35 U.S.C. 103(a) as being unpatentable over McGuire in view of Little and further in view of Zavalkovsky et al. (hereinafter Zavalkovsky), U.S. Patent 6,959,332.

20. In considering claim 2, although the teachings of McGuire show substantial features of the claimed invention they fail to expressly disclose: accessing a configuration schema generated by: accessing a second router, retrieving a CLI-based command set from the second router, and generating the configuration schema from the retrieved command set.

Nevertheless, in a similar field of endeavor, Zavalkovsky teaches accessing a configuration schema generated by: accessing a second router, (col. 7, lines 56-67); retrieving a CLI-based command set from the second router, (col. 7, line 56-67); and

generating the configuration schema from the retrieved command set, (col. 7, line 56 through col. 8, line 21).

Thus, given the teachings of Zavalkovsky, it would have been obvious to a person of ordinary skill in the art to modify the teachings of McGuire to further show accessing a configuration schema generated by: accessing a second router, retrieving a CLI-based command set from the second router, and generating the configuration schema from the retrieved command set. Doing so would have advantageously provided a means for deploying new configuration schemas without disrupting pre-existing router configurations, (Zavalkovsky, col. 3, lines 44-64, McGuire, col. 6, lines 16-35).

21. Claims 6-9, 11, 12, 16, 24, 25, 27, are rejected under 35 U.S.C. 103(a) as being unpatentable over Zavalkovsky in view of McGuire.

22. In considering claims 6 and 24, Zavalkovsky teaches an electronic method and computer program product comprising: accessing a network component, (col. 7, lines 56-67); retrieving a command set from the network component the command set including commands that the network component is capable of responding to, (col. 7, lines 56-67); determining a characteristic of the network component, wherein the determined characteristic is indicative of at least one of: device type, manufacturer, model, and operating system version, (col. 8, lines 1-6); generating a configuration schema using the retrieved command set, wherein the generated configuration schema

corresponds to the network component, (col. 7, line 56 through col. 8, line 21); and storing the generated configuration data, (col. 8, lines 1-21).

Although the teachings of Zavalkovsky shows substantial features of the claimed invention they fail to expressly disclose: enabling the configuration schema to be identified from among a collection of configuration schemas that includes configuration schemas that are associated with other network components.

Nevertheless, in a similar field of endeavor, McGuire teaches: enabling configuration schemas to be identified from among a collection of configuration schemas that include configuration schemas that are associated with other network components, (col. 6, lines 16-35).

Thus, given the teachings of McGuire, it would have been obvious to a person of ordinary skill in the art to modify the teachings of Zavalkovsky to show enabling the configuration schema to be identified from among a collection of configuration schemas that includes configuration schemas that are associated with other network components. This would have advantageously provided an efficient means for maintaining a library of configuration schemas to be used in configuring a variety of network components, (McGuire, col. 6, lines 16-35, Zavalkovsky, col. 3, lines 44-64).

23. In considering claims 7 and 25, Zavalkovsky teaches activating a command extraction mode of the network component, (col. 7, lines 56-67).

24. In considering claims 8 and 27, the teachings of Zavalkovsky provide a means for retrieving a set of primary commands, (col. 7, lines 56-67); retrieving a set of subcommands for each of the primary commands in the set of primary commands, (col. 7, lines 56-67); retrieving a set of bounds for a plurality of the set of subcommands for a first primary command, (col. 7, lines 56-67).

25. In considering claim 9, Zavalkovsky provides a means for identifying a command array in the command set, wherein the command array includes a primary command and a subcommand associated with the primary command (col. 7, line 56 through col. 8, line 21); extracting the primary command from the command array (col. 7, line 56 through col. 8, line 21); and extracting the subcommand from the command array (col. 5, line 56 through col. 8, line 21).

26. In considering claim 11, Zavalkovsky further provides a means for configuring the router according to a first set of primary commands, (col. 7, line 56 through col. 8, line 21); retrieving a second command set, (col. 7, lines 56-67); wherein the second command set includes a plurality of subcommands associated with the first of the plurality of primary commands and wherein the first command set and the second command set are different (col. 7, line 56 through col. 8, line 21).

27. In considering claim 12, Zavalkovsky teaches cleansing the retrieved command set, (col. 8, lines 13-21).

28. In considering claim 16, Zavalkovsky teaches accessing a router, (col. 7, lines 56-67).

29. Claim 10, is rejected under 35 U.S.C. 103(a) as being unpatentable over Zavalkovsky in view of McGuire and further in view of Little.

30. In considering claim 10, Zavalkovsky further teaches a means for: forming a generic object using the extracted primary command and the extracted subcommand, (col. 7, line 56 through col. 8, line 21).

Although the disclosed teachings of Zavalkovsky shows substantial features of the claimed invention they fail to expressly disclose: the generic object being XML-based.

Nevertheless, in a similar field of endeavor, Little teaches a command line interface abstraction engine in which XML-based commands are translated to CLI-based commands for an embedded system, (page 1, paragraph 8), by means of a DTD-schema (page 4, paragraphs 63-65).

Thus, given the teachings of Little, it would have been obvious to a person of ordinary skill in the art to modify the teachings of Zavalkovsky with Little to show the generic object being XML-based. This would have advantageously demonstrated a specific example for implementing a generalized user interface to CLI-based routers

that were known in the art to be difficult to manage and maintain, (Little, page 1, paragraph 7, Zavalkovsky, col. 3, lines 44-64).

Conclusion

31. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

32. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hassan Phillips whose telephone number is (571) 272-3940. The examiner can normally be reached on M-F 8:00am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Zarni Maung can be reached on (571) 272-3939. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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12/15/05


ZARNI MAUNG
SUPERVISORY PATENT EXAMINER